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January 7, 2006
BY FAX AND FIRST CLASS MAIL

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RE: Mark Uliano v. Marie Bissel and Kenneth Tilden
MDRS File #: 05-521A

Dear Counsel:

Enclosed please find the Award of Arbitrator in the above matter.

Thank you for allowing MDRS to be of service to you.

Very truly yours,


Brian R. Jerome, Esq.
Director

BRJ/jb
enc/



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AWARD OF ARBITRATOR

RE: Mark Uliano v. Marie Bissel and Kenneth Tilden
MDRS File #: 05-521A

I, Attorney Brian R. Jerome, having been designated to serve as arbitrator of this matter according to the Agreement For Binding Arbitration entered into by the parties, and having heard the proofs and evidence of the parties, hereby make the following findings and award:

This automobile bodily injury claim was the subject of an arbitration hearing on December 22, 2005. This claim arises out of an accident that occurred on September 10, 2002 when the claimant's car was struck due to the negligence of the two respondents.

LIABILITY:

Liability in this matter was acknowledged by the respondents as joint tortfeasors.

DAMAGES:

The medical records submitted by the parties were carefully reviewed by the arbitrator. The claimant alleged injuries principally to his neck, back and legs, which he testified continues to be painful and disabling. Cervical and lumbar MRI's showed disc abnormalities, with compression upon the nerve root(s). His physicians have opined that he has suffered 13 to 14% whole person impairment as a result of this accident.

An IME of the plaintiff requested by the respondents was performed by Dr. Robert Pennel in 2005 who found the claimant sustained cervical and lumbar strains in this accident which would have disabled him totally for six weeks and partially for six weeks.


The claimant's past work history as a painter/carpenter is sporadic, without significant income earned. But for some painting jobs done in 2004, the claimant alleged that he has not been able to work since the accident. The claimant lives in Canada and for approximately the last three years has been receiving governmental benefits of some \$740.00 biweekly, for which that governmental agency asserts a lien in this case.

The respondents questioned the nature and extent of injury of the claimant and argued that he has failed to mitigate his damages or actively look for work, rather choosing to receive the weekly benefits from the Canadian government, which the claimant acknowledged exceed what he was earning prior to the accident.

The claimant incurred medical bills in the amount of \$15,511.42.

AWARD:

Based upon the evidence presented I find the total damages suffered by the claimant as a result of this accident to be in the amount of \$75,000.00.



Brian R. Jerome, Esq.
Date: JAN 7, 2006